

than No. 10 gauge fired from the shoulder, and only on or over the threatened area or area described on the permit.

(3) Permittees may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice birds within gun range.

(4) All migratory birds killed shall be retrieved by the permittee and turned over to a Bureau representative or his designee for disposition to charitable or other worthy institutions for use as food, or otherwise disposed of as provided by law.

(5) Only persons named on the permit are authorized to act as agents of the permittee under authority of the permit.

(d) *Tenure of permits.* The tenure of depredation permits shall be limited to the dates which appear on its face, but in no case shall be longer than one year.

[39 FR 1178, Jan. 4, 1974, as amended at 42 FR 17122, Mar. 31, 1977; 63 FR 52637, Oct. 1, 1998]

**§ 21.42 Authority to issue depredating orders to permit the killing of migratory game birds.**

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances

involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

**§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows, and magpies.**

You do not need a Federal permit to control the species listed in the table below if they are committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner that they are a health hazard or other nuisance:

Blackbirds	Cowbirds	Grackles	Crows	Magpies
Brewer's ( <i>Euphagus cyanocephalus</i> ). Red-winged ( <i>Agelaius phoeniceus</i> ). Yellow-headed ( <i>Xanthocephalus xanthocephalus</i> ).	Bronzed ( <i>Molothrus aeneus</i> ). Brown-headed ( <i>Molothrus ater</i> ). Shiny ( <i>Molothrus bonariensis</i> ).	Boat-tailed ( <i>Quiscalus major</i> ). Common ( <i>Quiscalus quiscula</i> ). Great-tailed ( <i>Quiscalus mexicanus</i> ).  Greater Antillean ( <i>Quiscalus niger</i> ).	American ( <i>Corvus brachyrhynchos</i> ). Fish ( <i>Corvus ossifragus</i> ). Northwestern ( <i>Corvus caurinus</i> ).	Black-billed ( <i>Pica hudsonia</i> ). Yellow-billed ( <i>Pica nuttalli</i> ).